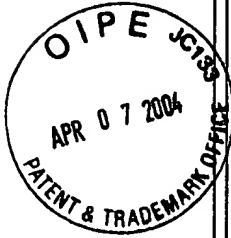


Image

04-08-04

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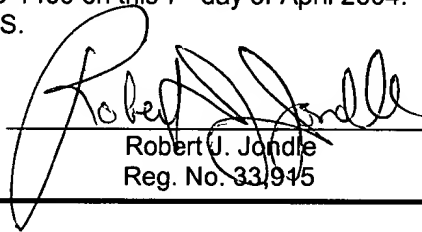
**IN THE
UNITED STATES
PATENT AND TRADEMARK
OFFICE**

| | |
|------------------------|-------------------|
| Application Number | 09/782,255 |
| Filing Date | February 14, 2001 |
| First Named Inventor | Bruce Marvin HELD |
| Group Art Unit | 1636 |
| Examiner Name | Nancy S. Vogel |
| Attorney Docket Number | N1205-009 |

Title of the Invention: **Promoter and Construct for Plant Transformation**

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail (post office to addressee) in an envelope addressed to: Commissioner of Patents, PO Box 1450, Alexandria VA 22313-1450 on this 7th day of April 2004. The number of the Express Mail mailing label is EV207752328US.


Robert J. Jondle
Reg. No. 33,945

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner of Patents
P O Box 1450
Alexandria VA 22313-1450

Sir:

In response to the Notice of Non-Compliant Amendment mailed March 31, 2004, please find attached the **Amendments to the Claims** which begins on page 2 of this paper.

Remarks begin on page 3 of this paper.